

COMMITTEE ON COMMUNITY IMPROVEMENT

October 9, 2001

5:30 PM

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Wihby (late), Cashin, Lopez

Absent: Aldermen Wihby, Clancy

Messrs: R. MacKenzie, R. Ludwig, T. Fleming, W. Jabjiniak, K. Sheppard

Chairman O'Neil addressed Item 3 of the agenda:

Resolution and budget authorization authorizing acceptance and expenditure of funds in the amount of \$70,851 from the Central Business District Revitalization Fund for FY02 CIP 511302, Veteran's Park Staging Project.

On motion of Alderman Lopez, duly seconded by Alderman Cashin, it was voted to approve the resolution and budget authorization.

Chairman O'Neil addressed Item 4 of the agenda:

Resolution and budget authorizations authorizing acceptance and expenditure of funds in the amount of \$91,500 (increase of \$50,000 for FY00 CIP 411100, Operation Safe Home; \$100 in additional grant funds for FY01 CIP 220601, STD Clinic; and an increase of \$41,400 for FY01 CIP 411001 Weed & Seed Coordinators).

On motion of Alderman Cashin, duly seconded by Alderman Lopez, it was voted to approve the resolution and budget authorizations.

Chairman O'Neil addressed Item 5 of the agenda:

Resolution and budget authorization authorizing acceptance and expenditure of funds in the amount of \$10,000 for FY02 CIP 811102, Wetland Inventory Evaluation.

On motion of Alderman Lopez, duly seconded by Alderman Cashin, it was voted to approve the resolution and budget authorization.

Chairman O'Neil asked, Bob, can you tell us what this is.

Mr. MacKenzie answered this is actually a contribution that was negotiated through various parties with a private developer. It had to go to the City and had to be used for purposes but of course has to be appropriated by the Board.

Chairman O'Neil addressed Item 6

Bond resolution and budget authorization acceptance and expenditure of funds in the amount of \$450,000 for the FY01 CIP 511001, McIntyre Ski Area Rehabilitation Phase 4 Project and extending the project completion date to 6/30/02.

Alderman Lopez moved to approve the Bond resolution and budget authorization. Alderman Cashin duly seconded the motion for discussion.

Alderman Lopez asked, Ron, the CIP resolution was in April of 2000, the \$450,000 that we are indicating here. The 1-4 criteria, has that all been completed?

Mr. Ludwig answered no.

Alderman Lopez stated the completion dates listed as 2000 have not been completed then.

Mr. Ludwig answered no.

Alderman Lopez asked what about design and engineering.

Mr. Ludwig answered we are out to bid right now. We just received notification from the State that we did get our wetland permit. Next week we should have a site specific permit and subsequently we would like to get under construction for the major portion of the work relating to snow making and construction of a new maintenance facility to house the snow cat and such. Pumps and things like that have already been ordered. We hope to get the tubing portion, the land clearing, grubbing, excavation and site work and the tubing park in as well as some snowmaking improvements this winter. We feel confident that we can do that. We will be finishing up in April or May.

Alderman Lopez stated I am a little confused on one thing and Sam maybe you can help me out. This probably pertains to a few others also. The question is when the CIP Resolution is made, like this one was made 4/18/2000 and it indicated the critical events that needed to take place and now we are doing an authorization in 2001 project year, is there a hold up because of this or what. I am just a little confused. We have a Resolution that was done 4/18/2000 and I noticed that quite a few of these have this date so the same question would apply. When we do that Resolution as a Board, does that start the project or do they have to wait or what?

Mr. Maranto replied the Resolution gives them the authority to enter into a contract. As far as the timing and what the activities are, I guess Ron really has to address that.

Alderman Lopez stated the criteria of events was 1-4 as indicated so I presume that all four things are completed. Is that correct?

Mr. Maranto replied no. Also if you look at this I believe there is an 02 missing off of the last one, Item 4 - Construction going until June 30, 2002.

Mr. Ludwig stated it is actually listed down below.

Alderman Lopez replied I see 6/30/02 but it doesn't say construction phase IV. Is it supposed to say that?

Mr. Ludwig stated that is the completed construction date for Item 4.

Chairman O'Neil stated just for my clarification we are extending this to FY02. That couldn't have been the original date.

Mr. Maranto replied the original date was June 30, 2001.

Chairman O'Neil called for a vote on the motion. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 7 of the agenda:

Bond resolution and budget authorization authorizing acceptance and expenditure of funds in the amount of \$300,000 for FY02 CIP 810802 Revaluation Project Phase II and III Project.

On motion of Alderman Lopez, duly seconded by Alderman Cashin, it was voted to approve the Bond resolution and budget authorization.

Chairman O'Neil addressed Item 8 of the agenda:

Bond resolution and budget authorization authorizing acceptance and expenditure of funds in the amount of \$1,000,000 for the FY02 CIP 411202 Cohas Brook (SE area) Fire Station Project.

On motion of Alderman Cashin, duly seconded by Alderman Lopez, it was voted to approve the Bond resolution and budget authorization.

Chairman O'Neil addressed Item 9 of the agenda

1995 CIP Budget Authorization:
740370 – Sanitary Landfill Closure, Revision #8

On motion of Alderman Cashin, duly seconded by Alderman Lopez, it was voted to approve the budget authorization.

Chairman O'Neil addressed Item 10 of the agenda:

2001 CIP Budget Authorization:
650501 – Civic Center Area Revitalization Strategy, Revision #1

Alderman Lopez moved to approve the budget authorization. Alderman Cashin duly seconded the motion.

Alderman Lopez stated, Sam, here is a case where we asked for, in the Resolution on 4/18/01 that we do something right away. We put \$50,000 Cash around the civic center because Planning came before us and said they needed it. Now we are extending this to 6/30/02 I presume. There has to be an explanation. Why was there a rush for this when the civic center is going on line in November? Don't we have this plan done yet?

Mr. Maranto replied it is being completed. It wasn't as for as a rush but a regular 2001. Our department has not completed that yet. I believe there is a preliminary proposal coming in at the beginning of November. This will be additional funding for some consultants to assist. Half of that has been brought forward.

Alderman Lopez stated I don't know about consultants because I thought that our Planning Department was going to do this whole project.

Mr. Maranto replied right now they are doing a conceptual design for this. Bob may want to address that further.

Mr. MacKenzie stated just as an update on that, it was requested quite awhile ago. The Planning Board actually had a committee that was working on this for awhile. That committee ultimately dissolved and just recently the Planning Department has taken up the ball to try and finish at least a preliminary study prior to the opening of the civic center. Today I don't believe that any of the monies have been expended. The monies were for both some selective consulting assistance such as traffic impact in the area, but could also be used for actual improvements in the area not just consultants. Again, we are hoping the staff will have a report to the Special Civic Center Committee of the Board perhaps in the next month.

Alderman Lopez asked what are they going to do there. Are they going to ask for rezoning or what? What is the objective?

Mr. MacKenzie answered the objective is really...now that we have invested a considerable amount of money in the civic center we want to maximize the benefit to the community and that is to make sure that the economic development opportunities that are possible are really happening, which means there are a lot of people who will be coming into the area. We would identify each parcel and see what its potential use could be, identify redevelopment opportunities and working with the Mayor's Office and others be able to identify people who are coming into the City and saying I want to invest in a restaurant or I want to invest in a hotel. This plan would be able to identify the best locations for those and maximize our property tax impact from the civic center.

Alderman Lopez stated what I am getting to and I think you know what I am getting to is that when we do these CIP resolutions, especially when it is cash, we say the Planning Board was responsible for it. I don't know...they are part-time appointed people so I don't know how they would do it and now we are going to go to 6/30/02. There has to be a better control system here in my viewpoint. When we do the CIP resolution who is responsible? People who are appointed can't be responsible for something like this. I don't see where they would get the people to do it other than your department.

Mr. MacKenzie replied again there was a Planning Board Committee. The staff has basically stepped in over the last couple of months to bring the project forward.

Alderman Cashin asked how much money are we talking about here.

Mr. MacKenzie answered this is \$50,000.

Chairman O'Neil stated this is another case where we commit money and don't spend it when we most likely could have used the \$50,000 as cash for some other project, correct, and it does say \$40,000 for consultant fees of which none of it has been spent to date.

Mr. MacKenzie replied none of it has been spent. We are actually hoping to do most of the work in-house and save that money because there is going to have to be investments in the particular area if we want to maximize some of the development. We are trying to minimize the consultant costs so that we could perhaps go into actual design or actually make physical improvements within that study area with that money.

Chairman O'Neil stated not to beat on this but if there was going to be a change in the scope of the project shouldn't that have come back to the Committee earlier. I don't think the Committee is disagreeing with the change in scope.

Mr. MacKenzie responded if the scope does change, at this point if we have the staff time available to do as much as we can, we will come back to the Board with a change of scope for that project.

Alderman Lopez stated in my opinion I think we have enough people in the Planning Department to do this rather than pay another consultant to go out there and tell us that is what we need. It is not that big of an area and there are more qualified people in the Planning Department would could probably do it.

Chairman O'Neil asked, Bob, is it realistic that there is staff time to do this.

Mr. MacKenzie answered there are a couple of other pressing projects but we have made it a priority in the next month to get as much done as possible. We have actually surveyed four other communities to see what has happened outside of their civic centers and we will be bringing that report back to the Civic Center Committee within the next month. We surveyed Portland, ME, Lowell, MA, Providence and Worcester.

Chairman O'Neil asked so you are comfortable that within a reasonable time you will be able to get this done in-house.

Mr. MacKenzie answered that would be my preference, yes.

Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 11 of the agenda:

2002 CIP Budget Authorization:

411502, Project NH95/NE632, Revision #1

On motion of Alderman Lopez, duly seconded by Alderman Cashin, it was voted to approve the budget authorization.

Chairman O'Neil asked is this for a police officer.

Mr. MacKenzie replied let met check. Sam or Todd probably know.

Mr. Fleming stated this is \$3,000 of funding for a Manchester police officer. Basically it is a Federal/State grant that came to the department.

Chairman O'Neil addressed Item 12 of the agenda:

Communication from Robert S. MacKenzie, Planning Director, regarding a new entrance for pedestrians to Livingston Park through Clarke Street.

Alderman Wihby moved to approve the plan. Alderman Cashin duly seconded the motion.

Alderman Cashin asked \$23,000 for this. What is that all about?

Mr. MacKenzie answered this has been identified, at least to me, by several people as a need that would provide access from the Walnut Street/W. Clarke Street area into Livingston Park. Right now it is somewhat difficult to walk into that area and the only way you can really get into the park technically is coming down and up into the main entrance. This would provide for joggers, bicyclists or pedestrians to get into the park from much of the north end area. The cost estimate was done by the Highway Department. It is roughly \$23,000 for stairs into that area. I think the question has been where that money will come from. We did briefly speak with Parks & Recreation. I know they had some questions concerning where the funds would be allocated from and to. At this point I think they are willing to talk about it but I don't think they have made any commitment at this point.

Chairman O'Neil stated I believe I worked with Alderman Wihby on this one. This came out of...it started out if I recall with sewer work and then it led to needing to do drain work out of the parking lot up at North Little League and it completely changed the entrance off of Clarke Street. I don't believe they are going to put in stairs. I think it is going to be a ramp of some sort that will be paved with some railings to make it a safe situation.

Alderman Wihby stated they took all of the trees that were up there so now people can walk easily up there. Where before there was woods and they might not have gone, now there is a 40' opening. They are going to put some trees up but in the meantime there is no way of walking up there. It is a big slope.

Alderman Lopez stated Parks & Recreation is here. There is no sense in directing them if they don't have the money. They must have looked at this prior to this meeting. Do you have the money? If they don't have the money, let's go someplace else and get it and not waste time.

Mr. Ludwig stated I am not sure what phase we are in up at Livingston. It is probably IV or V but whatever it is the next phase of the project does include repair and rehabilitation of the parking lot in front of the pond, the trail network around the pond and those funds became available as a result of some grant money, a private donation and a portion of a bond. Our caution was if we were to use or dedicate a portion of this money to another site...I mean it is still Livingston Park and we all understand that but it may have an adverse affect on the way the package was put together and what was portrayed to people out there, including the private donator who felt that this money was all going to be used for the pond and around the pond. If it is the will of this Committee to instruct us to do that and maybe out of a balance of something we could be reimbursed after maybe that is okay but we just want to make you aware that there is a funding mechanism and there are different funds that have been put together to fund this phase of the project and we don't want to jeopardize that. That is our only concern.

Alderman Wihby stated I thought we had balances left in some accounts anyway.

Chairman O'Neil stated CIP may have identified three balances that might be appropriate but I think in one of the discussions that you and I had in order to keep this thing moving along...it is a Livingston Park project so just take it out of money committed to Livingston Park and then if there were some balances left then we could move that money back rather than take money from other parts of the City to fund this.

Alderman Lopez stated that is the point I was getting at. If we use \$23,000 from the Livingston Park fund and it is going to hurt the other projects...robbing Peter to pay Paul doesn't make sense so we need to come up with another \$23,000 to finish the project at Livingston Park. Is that what we are saying?

Mr. Ludwig replied I think that is true and the other thing was in all of our discussions, whether it was through the grant application or the fact that we had several discussions with the person who wanted to make a private donation and they were concerned about how much is the City committing to this and this is the number that we gave them and how much did we get from the grant and that is the number that we gave them. This doesn't sound like a lot of money and it isn't, I suppose, but I don't want to convey to them anything different than what we did and if it is the will of the Committee to use some of this and then go back and try to find it somewhere else I don't have an issue with that.

Alderman Wihby stated we could always go back and look.

Chairman O'Neil stated this is early in the season to be looking for balances so the thought that Alderman Wihby and I had was there is money committed to Livingston Park so let's get this thing done now before the snow flies and then move some money back if there are some balances in the spring time.

Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 13 of the agenda:

Communication from William Jabjiniak, Destination Manchester Coordinator, requesting approval to apply for an additional \$6,000,000 of Section 108 financing.

On motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to approve this request.

Chairman O'Neil addressed Item 14 of the agenda:

Communication from William Jabjiniak, Destination Manchester Coordinator, requesting approval to apply to Fannie Mae's American Communities Fund for \$5,000,000.

On motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to approve this request.

Chairman O'Neil asked when you say apply, Bill, does that mean we are up against other people or is it just a matter of doing paperwork.

Mr. Jabjiniak answered it is just a matter of doing the paperwork.

Chairman O'Neil asked so we are not competing with other communities for this money.

Mr. Jabjiniak answered this is not a competitive grant.

Chairman O'Neil addressed Item 15 of the agenda:

Communication from Frank Thomas, Public Works Director, requesting approval to use the uncommitted balance in the M.E.R. bond account to purchase two refuse packers.

Alderman Cashin moved to approve the request. Alderman Lopez duly seconded the motion for discussion.

Alderman Lopez asked, Kevin, was this a priority in the budget process.

Mr. Sheppard answered refuse packers have always been a priority. Probably for the past three years, most of our packers should have been replaced in the year 2000 and they weren't so they have been a priority as part of our MER request.

Alderman Lopez stated these are projects from 1995 all the way to...when did you find out you had all of this money.

Mr. Sheppard replied when Building Maintenance became part of the Highway Department we realized there were balances sitting there. I guess the original thought from the old director of Building Maintenance was to spend the money out of the bond money that that vehicle was approved from in that year so there were balances that were being carried forward from year to year, uncommitted balances. So, when we saw that, we actually noticed that probably about five or six months ago and we wanted to get a handle on that and come to this Committee when we knew what the uncommitted balances were and make a recommendation to clear up those CIP projects and get that money spent and off the books.

Alderman Lopez asked so this is your top priority for this money.

Mr. Sheppard answered yes.

Chairman O'Neil called for a vote on the motion. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 16 of the agenda:

Petition for confirmation of discharge of paper street (listed as Palmer Street).

(Note: Highway Department advises that Palmer Street was released from public servitude in May 1915, and therefore does not have public status.

Alderman Wihby moved the item for discussion. Alderman Cashin duly seconded the motion.

Alderman Wihby stated Kevin we actually did some work out there. We actually paved something a couple of years ago. He petitioned us and said he wanted it paved.

Mr. Sheppard replied I am not familiar with that. I got the information from our surveyor that that street does not exist and the City has no interest in it.

Alderman Wihby stated there is a street to the side of them that was never opened and we fought against opening it because...

Mr. Sheppard interjected that may be the street they are talking about because there is mention that there has been petitions to open that street.

Alderman Wihby stated what happened was a couple of years ago we had to use some money to pave next to his house. I don't know if this is the same or if there are a couple of different paper streets.

Mr. Sheppard replied that was Beech Street where we actually had to pave the street.

Alderman Wihby stated that was on the side of the house and this isn't where we are talking about.

Mr. Sheppard replied I believe this is another street that is a paper street but does not exist.

Alderman Wihby asked but it is not the street that we paved.

Mr. Sheppard answered right.

Alderman Cashin asked Carol does this have to go to a road hearing.

Deputy Clerk Johnson answered no. The recommendation is showing a finding that it has already been released and discharged, which means that it does not require a road hearing. A road hearing is only if it is a discontinuance of something that has been accepted or to accept a new street. In this instance it is something that under State law has already been discharged and the City has no authority on it unless it is accepted first.

Alderman Cashin asked so it is up to us to either accept it or deny it.

Deputy Clerk Johnson answered it is before you to have the finding...in essence if they don't come here they would go through a court process. Technically under State law if the finding is correct by the Highway Department and they generally are, then it would be something that State law has said is already released and discharged because there was a new law that was passed back a few years ago. If it has been more than 20 years since it was laid out in a plan, it has been released and discharged under State law and you would have to go through an acceptance process to put it through a road hearing.

Alderman Cashin asked so we don't have to do that in this case.

Deputy Clerk Johnson answered no.

Alderman Cashin asked and it has no public status as far as you are concerned, Kevin.

Mr. Sheppard answered right. Like Carol was saying according to that law where it is only on paper the City loses all interest in that property.

On motion of Alderman Wihby, duly seconded by Alderman Cashin, it was voted to find that a paper street known as Palmer Street referenced in a subdivision plan titled Land of Bond & Dodge dated May 1895, recorded as plan #300A in the Hillsborough County Registry of Deeds having never been opened, built, nor used for public travel has been released from public servitude pursuant to RSA 231:51.

Alderman Lopez stated when these things happen maybe we could get a little map or something so we know where we are talking about. I don't even know where that street is.

Mr. Sheppard replied I know in the past we have submitted maps. I will make sure we do that.

Chairman O'Neil addressed Item 17 of the agenda:

Communication from Kevin Sheppard, Deputy Public Works Director, requesting approval to assign two surplus police cruisers to the Highway Department.

On motion of Alderman Cashin, duly seconded by Alderman Lopez, it was voted to approve this request.

Chairman O'Neil addressed Item 18 of the agenda:

Communication from Kevin Sheppard, Deputy Public Works Director, regarding the cash and bond vehicles approved for fiscal year 2002.

Mr. Sheppard stated this year the Highway Department put out a request to all departments to prioritize replacement of some of their vehicles. We received that information, prioritized it and actually submitted it to the Mayor's Office for their review as part of the Mayor's budget. The Mayor's Office sets the priorities and picks the vehicles for replacement. What was allocated in the cash was a total of \$382,500. Allocated for bond was \$1 million. If you go down the list, for example the cash you can see the maintenance for \$50,000. That is maintenance of the City vehicles and is funded through CIP cash. A lot of the smaller City department's vehicles are maintained through the Transit Authority and that is money for maintenance of those vehicles. If you go down the list it shows vehicles that were approved under cash and the same thing under bond. It lists the vehicle that was approved, the budget that was approved for that vehicle and if that vehicle was purchased it will show in the actual column.

Chairman O'Neil asked so the Building Department has yet to purchase their vehicle.

Mr. Sheppard answered right. The State bids come out I believe in the middle of October for vehicles and typically we have waited for State bids to purchase the vehicles because we can get a better deal that way.

Chairman O'Neil replied although it appears here that some of the departments...

Mr. Sheppard interjected right like at the Highway Department we purchased a lot of the equipment because we get to know these dealers fairly well and we actually wrote up our own specs and went out to bid for the pick-up trucks because some of that equipment was getting pretty old. So instead of waiting for the State bid to come out, we put it out to bid knowing that we could get...

Chairman O'Neil interjected if I am reading this right, you have already purchased two vehicles, Parks & Recreation has purchased two vehicles, Police has the four cruisers and Traffic purchased their flat bed pick-up.

Mr. Sheppard replied Traffic actually has two vehicles, a pick-up and a flat bed. They purchased the pick-up.

Chairman O'Neil asked so they need to purchase flat bed truck, which will be under the State bid.

Mr. Sheppard answered right.

Chairman O'Neil asked the School District van will be purchased under the State bid.

Mr. Sheppard answered the School District is one that I need to talk to Finance about. I am not sure how that works because I have been in touch with them and now they say they want a pick-up truck I believe and \$12,000 is not enough money. A pick-up truck was not part of their MER request at budget time. They are saying \$12,000 is not enough money for what they need, although that is what they requested was a passenger van for \$12,000. My response to them is probably going to be that they need to come back to the CIP Committee to request any balances possibly to go towards a pick-up truck that they need.

Chairman O'Neil asked and on the bond issue everything has been received and Parks is out to bid on the tractor/mower.

Mr. Sheppard answered right.

Chairman O'Neil asked everything else they haven't received the vehicles yet but have awarded the bids for.

Mr. Sheppard answered typically as soon as that money is through the specs have been written and we are out to bid. We even sometimes go out to bid in June in anticipation for July.

Alderman Wihby asked regarding the pick-up truck that Traffic got, how is it different from the pick-up truck that you got.

Mr. Sheppard answered I am not too sure of the details. Our pick-up truck I think was what we call our gas truck and it has a gas tank on the back.

Alderman Wihby asked did they have the same bid as you or what.

Mr. Sheppard answered I am sure it is a different spec truck.

Alderman Wihby asked for the School District, the \$12,000, was that in the MER account or in their budget.

Mr. Sheppard answered that is what I need to clarify. That was in the MER account. I would assume and I have to check with Finance if that was included as part of the chargeback and if it is not, what do we do at that point.

Alderman Wihby asked whose MER account was it in, the Mayor's.

Mr. Sheppard answered yes.

Alderman Wihby asked and it stayed in there. Wasn't the MER account cut?

Mr. Sheppard answered no.

Alderman Wihby asked it was the same number that the Mayor used.

Mr. Sheppard answered yes.

Chairman O'Neil stated we did cut it because we took two vehicles out of Fire and put it to another line item in the Fire budget.

Mr. Sheppard stated what you did was took some vehicles from Police...you reallocated money. You didn't cut it you actually reallocated money from Police over to Fire I believe.

Alderman Wihby stated that \$12,000 School MER wasn't in their budget.

Chairman O'Neil stated you missed that, Alderman.

Alderman Lopez asked the Building Department and the others are bidding on something. Did I hear you say they are bidding on something?

Mr. Sheppard answered they are waiting for the State bids. The State actually goes out for a Statewide bid for their vehicles every October and whereas it is the State bid and a large bid we typically get some good prices on that. Once that State bid is in, we can buy off that State bid and buy that vehicle for them.

Alderman Lopez asked nobody can take any money out of this account unless it comes before this Committee.

Mr. Sheppard answered that is right...well these are the approved budgeted amounts and we can purchase up to those budgeted amounts. Anything beyond that needs to come to this Committee.

Alderman Lopez stated but you don't know about the School. What happens to the money that...like Traffic spent \$27,000 and have \$22,000 left. They received their vehicle I presume.

Mr. Sheppard replied right but they still have a flat bed to purchase. It is actually two vehicles, a pick-up and a flat bed. If you take a look at Highway for example there is a balance of \$1,018. We cannot spend any of that money unless we spent it on the pick-up or the pick-up truck that we had already purchased. If we wanted to spend that money on some other vehicle or some other equipment we would have to come before this Committee.

Chairman O'Neil asked if the bid on the flat bed for Traffic is above \$22,609 they have to come back before the Committee.

Mr. Sheppard answered that is correct.

Chairman O'Neil asked do you want us to do anything with this or just receive and file.

Mr. Sheppard answered at the last meeting you asked for an update on FY02.

On motion of Alderman Cashin, duly seconded by Alderman Lopez, it was voted to receive and file.

NEW BUSINESS

Chairman O'Neil stated we have two items of new business. One is a letter that Mr. Ludwig sent to me with regards to Derryfield Park. Unfortunately I didn't realize it was the original so I am going to pass this around.

Alderman Wihby stated I got this in the mail.

Mr. Ludwig stated I should have sent a copy to the City Clerk's Office. There was some confusion originally with this and we thought the original grant that we could apply for was going to be a \$500,000 UPARR Grant. As we found out later, the prospectus said that we could only receive up to a match of \$1 per capita, which turns out for us to be \$107,000. To make a long story short, I think the Mayor's Office was more than likely notified that we did not receive funds in that amount. The question now for this Committee is what would they like to do with the balance that was appropriated against the match originally.

Chairman O'Neil asked what is the balance, Ron.

Mr. Ludwig answered \$150,000.

Alderman Wihby asked is that what we put in.

Mr. Ludwig answered yes.

Alderman Wihby stated so we put in \$150,000 because we were going to get more money and we never got the money.

Mr. Ludwig replied originally Ron felt that we could receive up to \$500,000 and then we had to come back if you remember Alderman Gatsas was a little unhappy and said I thought you could but we couldn't. We found out that the grant actually spelled out that the only way you would receive any money was not exceeding a \$1 per capita amount. That came out to approximately \$107,000, which we made application for. Subsequent to that we found out that we did not receive any amount, at least in this round. Again, the Mayor's Office somehow...we received notification through the so-called grapevine from another Alderman that called our office and had the communication that we didn't receive it. I immediately sent that letter out to Alderman O'Neil.

Alderman Wihby stated we should probably talk to the Alderman in the ward.

Alderman Lopez moved to table the item and talk to Alderman Gatsas. Maybe at the same time Parks and Planning could come up with some ideas on how we could use the \$150,000. I know what we can do with \$23,000 of it anyway.

Alderman Wihby duly seconded the motion.

Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Chairman O'Neil stated we have one more item under new business. The Planning Director passed out the Consolidated Annual Performance and Evaluation Report. Bob, do you want to talk about that?

Mr. MacKenzie replied yes. This is a report required by HUD for all of the monies that we get from them. All of the monies do come through the CIP program so we wanted to get you a copy. Last year the Board in general wanted to see a copy of this. This just outlines in detail all of the different requirements. The Federal reporting requirements, all of the special requirements of HUD and the Federal government.

Chairman O'Neil asked what do you need us to do with this.

Mr. MacKenzie answered just receiving and filing it would be fine. We will also provide copies to the rest of the Board members.

On motion of Alderman Cashin, duly seconded by Alderman Lopez, it was voted to receive and file.

TABLED ITEMS

19. Copy of a communication from the Deputy Finance Officer to Alderman Gatsas relative to funding options for Millyard parking facilities.
(on file with the City Clerk.)

This item remained on the table.

20. Ordinance Amendment:

"Amending Section 37.03 "Advisory Board" by inserting new language prohibiting persons holding positions within the entity association, or organization designated by the Advisory Board to manage services within the Central Business Service District from serving as members of the Advisory Board."

This item remained on the table.

21. Communication from the Director of Planning submitting a copy of a contractor's estimate in the amount of \$152,750 to make repairs to the Blood Mausoleum.

This item remained on the table.

22. Communication from Robert S. MacKenzie submitting updated information

on HOME projects under Manchester Neighborhood Housing Services as requested by the CIP Committee.

This item remained on the table.

23. Communication from the Deputy Director of Parks, Recreation & Cemetery

requesting an increase in the Piscataquog Trailway - Phase I project from \$370,000 to \$495,000 as a result of increased costs due to mandated

environmental monitoring and disposal of hazardous materials, including the soils and railroad ties.

On motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to remove this item from the table.

Chairman O'Neil stated I understand we have representatives from VHB here tonight.

Mr. Johnson stated I would like to introduce the consultants for the Piscataquog Trailway Project. This is Greg Bachus and Al Hanscomb. At the September 11 meeting that was held we presented a letter updating the Committee on the trailway project. We were asked to provide some documentation from the NH DOT, which is supplied in your packet. The trailway project was put out to bid in August. The project did come in somewhat over budget. Subsequent to that we did contact NH DOT. This is a grant project where the State provides 80% of the funding and the City provides a 20% match. The State did indicate that they did have the funds to provide to the City as long as the City could provide the match. In the letter I mentioned that on our current grant, we had actually two grant rounds, we had some surplus funds so we had over matched our current grant of \$296,000. In order to take the State's offer to get up to the new project total of \$495,000, we would need approximately \$10,000. The questions at last month's meeting were relative to the hazardous waste. Mr. Hanscomb works at the Watertown Office and he could answer any of those questions. Greg Bachus is here in the Bedford Office. Maybe they could describe a little bit about what was involved in the project. I think those were the questions last time.

Chairman O'Neil stated before we do that could you walk us through this again. The original amount of money approved was what.

Mr. Johnson answered the total grant was \$370,000. The State provided \$296,000 of that and the City was obligated to pay \$74,000. That is the 20% match.

Chairman O'Neil stated so after you went out to bid it was more than the \$370,000.

Mr. Johnson replied right. The low bid came in at \$411,000. That is for the construction cost. Also it is part of the overall project. We have the design engineering cost, which is roughly \$83,000 for the complete project.

Chairman O'Neil asked why wasn't and this goes back to our question before. Why weren't the design costs in the original \$370,000?

Mr. Johnson answered the design costs are in there.

Chairman O'Neil replied this is where we got confused last time.

Mr. Johnson responded I was explaining this to Ron this afternoon. The State has a different process than the City for professional services. When we applied for this grant we had an approximate amount of what we needed. This was submitted about six years ago. When we got into the selection of the consultant, the State does not allow the City to ask the cost up front on how much the consultant is. They want to base the selection of the consultant on qualifications and not on cost. Until we got into the process we had that \$370,000 amount that was awarded to us from NH DOT. They pretty much said what can you get done with that once you get the project consultant on board so the \$83,000 was a fixed cost that occurred about a year ago when we hired VHB.

Chairman O'Neil asked is it accurate to say then that the total cost of this project is \$453,000 or that is what was theoretically budgeted.

Mr. Johnson answered no I think we were only allowed the \$370,000. That was the total amount that was approved so it would be the \$370,000 less the \$83,000 but several communities have defaulted on their grants and they do have surplus funds available. They have indicated that they are willing to provide those dollars to the City if we can come up with the match.

Chairman O'Neil stated total project originally was \$370,000 of which \$83,000 was for design.

Mr. Johnson replied correct.

Chairman O'Neil asked is there construction administration with it as well.

Mr. Johnson answered that is all included.

Chairman O'Neil asked so then actual construction cost was only \$287,000 but the bid actually came in at \$411,000.

Mr. Johnson answered correct.

Chairman O'Neil asked just for construction.

Mr. Johnson answered yes.

Chairman O'Neil asked what happened there then.

Mr. Johnson answered back last fall or when we got into the project I think it was through the winter Greg had done an original estimate based on what we wanted to do. The map over here explains the project. It is roughly from the F.E. Everett Turnpike to South Main Street. This portion of the project appears to be the most expensive. We are replacing the bridge over Second Street, which was a considerable cost. As Greg got into the preliminary cost estimates he made us aware that it would probably be over that and at that time I did contact the State. They said that they do have surplus funds. They said that once you go out to bid and you determine how much you need you can get back to use. Again, they have made that commitment that they are willing to provide those additional dollars.

Chairman O'Neil stated I don't think any of us have a problem with this but somehow to be \$124,000 off that is where the problem is. Either something has changed from the original price and I mean this is one of the most reputable firms around...the scope of the work had to change to drive the project up that much.

Mr. Johnson replied again when we originally applied for the grant the State awarded that \$370,000 based on how much funding they had. We have around two miles of section that we would like to do. This is only the first phase so I think their standpoint is now that they have surplus funds they would like us to go as far as we can with this first phase.

Chairman O'Neil asked so the scope has not changed and the distance to be done has not changed.

Mr. Johnson answered no.

Chairman O'Neil stated the last time we talked about this issue was railroad ties and DES and that drove the cost for this up from the original price.

Mr. Johnson replied I would probably defer that to Greg or Mr. Hanscomb to explain a little bit about those costs. In the letter from Victoria Chase, the Project Manager at NH DOT, she indicates that typically on these transportation enhancement projects environmental issues typically aren't a huge part of the project so rather than do that clean-up up front, they allow us to go out to bid and actually try to determine those. I can have Greg explain a little bit more about how it was developed in the package.

Mr. Bachus stated I just want to back-up with the funding issues. I believe Ron mentioned the original funding application was six years old. I don't know what kind of escalation was included in that and we have noticed in the field a pretty substantial construction cost escalation over the years. VHB was not involved with the original funding application. However, the project scope I think has probably increased somewhat in that this is the first phase of this project. It is also

the most urban. It is the most residential. Once we get out towards Goffstown it is much more secluded and within its own little right-of-way. I think the City and from the feedback at public meetings that we got, the City wants to make sure that this segment goes correctly and that includes making it safe and making it look right. There are a lot of landscape dollars in this part. There is money for lighting and the bridge itself is a big-ticket item. That all put together I think increased the cost even in excess of the original escalation over six years.

Chairman O'Neil stated what would have made this an easier process is if when some of those changes happened you came back to the Committee to inform us.

Mr. Bachus stated the final cost came in above even our estimate. That is even a sign of the times.

Chairman O'Neil stated my other issue is with DES because they have a tendency to come late into projects and drive costs up. I actually wanted someone from DES here. We just had an issue with them with the civic center as well where they out of the clear blue have ordered \$15,000 in monitoring.

Mr. Bachus replied that is just a start, the monitoring. I would like to hand off to Al Hanscomb. He can address these issues a lot better.

Mr. Hanscomb stated I have two handouts for the Committee. I wasn't quite sure how detailed you would want to get into these issues so I brought three separate handouts. The larger handout which is what I call a typical cut section came from a similar project where we converted some rail to bike paths. It shows a couple of things that are interesting. If you look over on the left hand side of that section you will see surface deposition of contaminants and you can see how in tight grain soil like silks and clays you will have deposition of exhaust from diesel fuels and coal ash and dust from historic rail operations that would tend to accumulate right at the ground surface. You can also imagine rainwater infiltrating down through balance materials around rail ties and deposition of that same material down at depth at the ground interface just below the balance materials. Those are typical mechanisms of transport and deposition of contamination that you would typically see on rail lines. We try to anticipate final grades on these type of projects so that we can anticipate how we are going to handle contaminated soil from the near surface so that we don't leave residual contamination in a linear park, which is essentially what you will have here. A linear park through an urban area where you have encouraged public access to an area that was previously dedicated to rail operations. We are trying to be smart and anticipate and manage those waste materials so that you don't incur a premium cost during construction. If we could switch over to the two-page handout...

Alderman Lopez interjected this contamination that you are speaking of...we went through a lot of contamination here on a lot of areas but what is the problem. This is a walkway or a bike path right?

Mr. Hanscomb replied right.

Alderman Lopez asked isn't there some way to just cover over this stuff. What is the limitation on that?

Mr. Hanscomb answered you are absolutely correct and that is what I am trying to explain but we want to explain to the contractor how to do that so that he doesn't leave the site in a condition that is unacceptable for human use. We are anticipating being smart about it is what I am trying to explain. On the two-page handout, I have tried to go through and I will quickly summarize the contents of the document. You can look at it later and get back to us with any questions but typical contamination that we see on these types of projects are coal ash, coal dust, residue from exhaust fumes from diesel engine operations in the past, wood preservatives that leak out of rail ties, herbicides and pesticide applications from historic rail operations. There may be areas where suspect fill has been created to create embankments for rail operations in the past and we could have migration of contaminants from releases adjacent to the rail line that have migrated onto the rail property. Why should we be concerned at this point? We have seen from actual experience on these types of projects that if you don't disclose environmental data to the contractors, the contractors can be very shrewd about sampling, analyzing and then submitting claims for extras because you are dealing with contaminated media and I didn't want that to happen on this job or any of our jobs. We do have to do a certain amount of due diligence and disclosure to contractors so that we can avoid that occurrence. Secondly, third party claims from abutters, from third parties, from users of the facility in the future from breathing dust, you don't want to have third party claims becoming a liability down the road for the City. We try to handle this properly and leave good documentation in the files that these contaminant issues have been addressed. The last issue, and this is based on discussions that we have had with DES over the course of this project, there may be a requirement for activity and use restrictions in certain areas if we leave contaminated soil in place in this linear park area. Not in the paved areas. That is fine but if you have grassy areas you do have to limit access so that you don't have people digging and being potentially exposed to contamination. I have outlined and I am not going to go through this in detail unless you would like me to, certain regulations that apply, State and Federal, and worker protection issues and waste management issues. We have to comply and the contractor is being required in the contract documents to comply with all of those standards. I am going to jump to the end. What we would like to explain are the risks to our clients and we would like to help coach them through how to manage these risks but ultimately these are client decisions as to how you manage your risk on these types of sites. I

think we have given the City pretty good advice. I think the provisions are there in the contract documents to give us flexibility to act as conservatively or unconservatively, as the City would like us to.

Chairman O'Neil asked could this be used as a boilerplate on other rails to trails that we do throughout the City.

Mr. Hanscomb answered absolutely. In fact this is a boilerplate that we have done with DOT throughout New England.

Chairman O'Neil asked once this project went out to bid, to be \$124,000 off is significant and again you folks do work in a lot of different areas. I am just concerned about...we were led to believe that this DES issue came later into the picture whereas you folks had done this in other communities I am sure. I would just like you to talk a little bit about this \$124,000 difference.

Mr. Hanscomb answered we have actually broken it out in the bid sheets. It is pretty clear what portion of the project cost is attributed to Hazmat materials. I think it is on the order of \$30,000. Again, we have done very little in the way of investigation to date. There is not a lot of over evidence of contamination out there. Although you aren't going to see residual pesticides and so on that we are seeing, on the next sheet of paper I will explain to you what kind of levels you see actually out at the site but we need to make decisions as we go along the way because we have not spent City monies to go out and study the thing to death and we know that there is contamination there.

Chairman O'Neil replied I don't think the Board is questioning the work and your intention of trying to make sure that you address all issues. It is just we should have had a higher number to budget to begin with and I don't think we would be having this discussion.

Mr. Johnson responded as Greg pointed out the original grant application...I think we had been working on this project going back to meetings with Bob MacKenzie probably eight years ago when we first contacted or the B&M Guilford Transportation contacted us. The numbers were developed on this project six years ago and there is only so much money that the regional planning commission will actually dedicate to one project. It is kind of based on that. We did submit a new grant this year to get us to the next step.

Chairman O'Neil stated this is a communication problem then. If you were trying to buy a project at 1995 dollars then you should have come back to the Board and said you know what it has been six years and we need to update those numbers and probably the cost of the project is going to up and I don't think we would be having this discussion. It is more just a communication issue than anything else.

Alderman Lopez stated, Ron, you said the \$83,000 was for design and engineering from the \$370,000 correct.

Mr. Johnson answered that is correct.

Alderman Lopez asked am I correct that you are adding \$206,000 to this project, \$206,000 more from the NH DOT.

Mr. Johnson answered it is \$125,000. Our original approved total project was \$370,000 and now we are bringing it up to \$495,000. It is \$125,000 additional dollars and that is construction plus the design part.

Alderman Lopez asked so where do we go with this. Is this something that we have to do?

Mr. Johnson answered what my original letter stated was our current grant we have overmatched and the State has indicated that they will provide us...they have surplus dollars in order to get this project. They would like to provide the City with these additional dollars to get this done. In order to do that we need to obligate \$10,000 of our project. I mentioned that there are a couple of options to consider. We have the Park Improvement Fund, which is earmarked to our department for various projects. That is one area. If the City commits that \$10,000 then we are able to get the project going.

Alderman Lopez asked so they are going to give us the \$125,000 then.

Mr. Johnson answered that is correct.

Alderman Lopez stated so it is \$10,000 for \$125,000. I think that is a pretty good deal.

Alderman Wihby moved to transfer \$10,000 from the FY02 Park Improvement Program to the Piscataquog Trailway – Phase I Project as a City match for the grant. Alderman Lopez duly seconded the motion.

Chairman O'Neil asked if we take the \$10,000 from the Park Improvement Program what is not going to get done.

Mr. Johnson answered that fund is for various improvement projects that come up throughout the year. We use it for color-coding. We just did three basketball courts or if it is a fencing project. It is earmarked for projects that come throughout the year. At this point, we have a good portion of it.

Chairman O'Neil asked what were you budgeted.

Mr. Johnson answered this year it was \$113,000 roughly.

Chairman O'Neil asked and you have \$10,000 and we are not going to be hearing from an Alderman of a ward saying something is not getting done because you took \$10,000 out of there.

Mr. Johnson answered no. This account was set-up several years ago by the Planning Department because throughout the year we get several different requests or we try to do maintenance projects that come forward.

Chairman O'Neil stated we have to get these costs under control a little bit and lay everything out so that we understand all costs ahead of time. This is a significant increase in this project.

Mr. Johnson replied one of the other things too is this is Federal dollars and when you are using Federal dollars...

Chairman O'Neil interjected we have to know this stuff up front, Ron. If we know up front we are using Federal dollars then we know these issues have to be addressed. I feel in some ways that we were almost snookered into this. I have no problem doing it as long as everything is laid out. We need to know what issues we are going to have with the Feds, the State and then address where we move forward. That is my concern.

Alderman Lopez asked what is the height of the walkway over Second Street.

Mr. Johnson answered I believe the clearance is 14'.

Mr. Hanscomb stated I believe the clearance is 14 feet, 10 inches.

Chairman O'Neil asked that meets all DOT standards and there should be no vehicle higher than that.

Mr. Hanscomb answered for this class of road, right. The only time you go higher is under an interstate. They go 16 ½" I believe for oversized loads.

Chairman O'Neil asked but any normal load on the road should clear this without any problem.

Mr. Hanscomb answered right.

Alderman Cashin stated the reason I ask is because the trestle that was there was too low and that is why we had to take it down.

Mr. Johnson replied right and we did review it with the City Highway Department and they concurred. The original one was 13' 9" and it had been hit several times so now it is going to 14' 10".

Alderman Cashin asked where are we with the Thompson State property. Are we doing anything with that?

Mr. Johnson answered the project ends right at the East Side of Main Street. We have not formally picked up the negotiations with the Thompson property. They are aware of this project. We have shared the plans with them. We have looked at a couple of options. One is to go around the backside of the property...

Alderman Cashin interjected that is not practical. That is a wonderful thought but that is not practical.

Mr. Johnson stated I think through the design process, VHB had worked on a project in Nashua, which had similar conditions. It was right in the inner part of the City and it actually had a similar type of business – an auto repair business and they had the issue of crossing and they were able to work it out. I think the Thompson family has bought, as you might know, several of the properties along South Main Street so they control all of that frontage but I think we will be able to work out something with them.

Alderman Cashin asked wouldn't it be better before we go too far into this to approach them and find out what we have going there.

Mr. Johnson answered they were at the meetings. I don't know if Greg sat in. We had a community meeting in which we did some small workshops and they sat down at the table and I think they were willing, the family was there and I think they were willing to work with us. I think that would be our next step. We have applied for the new grant and we should hear something later this winter on that. Definitely we can approach...I have talked to them this spring when we were going through this planning process I spoke with Mr. Baylis who knows the manager of the property.

Chairman O'Neil called for a vote on the motion. There being none opposed, the motion carried.

Deputy Clerk Johnson stated before you adjourn you have a bunch of items that have been on here for awhile, some from January 2000. One is 9/00. That is Item 19. It has been on the table for over a year.

Chairman O'Neil asked, Bob, for our next meeting can we get an update on where all of the tabled items are. There might have been some movements since the last time we talked about them. I think at some point we do have to do on Item 22 sit down with Neighborhood Housing. If time permits at our next meeting, could you arrange that?

Mr. MacKenzie answered sure. We do have the materials requested and would be available at the next meeting to do that.

Chairman O'Neil asked could you take a look and work with the respective departments with regards to the other tabled items.

Mr. MacKenzie answered yes we will.

Deputy Clerk Johnson asked, Kevin, can they deal with Item 25 now.

Mr. Sheppard stated that is the one that the Committee decided at the last meeting to keep on the table and if there are surplus funds like we discussed.

Chairman O'Neil interjected that was the one where we talked about taking surplus bond money for cash and there has been some discussion with Finance about that.

Mr. Sheppard replied right and we can't do that. If there is surplus cash at the end of the year we could do that.

24. Copy of a communication from the Deputy Director of Parks, Recreation & Cemetery to Ms. Georgie Reagan relative to the establishment of a Visitor's Center at Veteran's Park.

This item remained on the table.

25. Communication from the Deputy Director of Parks, Recreation & Cemetery requesting the permanent retirement of vehicle #2FABP75FXHX230531 and seeking replacement with a new small pick-up truck through the State bid process with funds from the FY2002 MER allocation.
(Tabled 9/11/01 and previously forwarded to members of the Board and on file with the City Clerk.)

On motion of Alderman Cashin, duly seconded by Alderman Wihby it was voted to remove this item from the table.

On motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to receive and file.

There being no further business, on motion of Alderman Cashin, duly seconded by Alderman Wihby, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee